

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. LCM-1331-334

C# M#

Confirmation No. 3848

VON BORSTEL

TC/A.U.: 1623

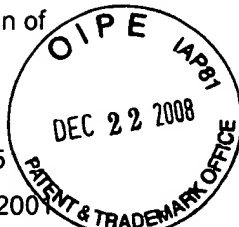
Serial No. 09/763,955

Examiner: Patrick T. Lewis

Filed: February 28, 2001

Date: December 22, 2008

Title: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES



Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

☐ **Correspondence Address Indication Form Attached.**

☐ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences

from the last decision of the Examiner twice/finally rejecting \$540.00 (1401)/\$270.00 (2401) \$
applicant's claim(s).

☒ An appeal **BRIEF** is attached in the pending appeal of the
above-identified application \$540.00 (1402)/\$270.00 (2402) \$ 540.00

☐ Credit for fees paid in prior appeal without decision on merits -\$()

☐ A reply brief is attached. (no fee)

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$130.00 (1251)/\$65.00 (2251)
Two Month Extensions \$490.00 (1252)/\$245.00 (2252)
Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)
Four Month Extensions \$1730.00 (1254)/\$865.00 (2254) \$

☐ "Small entity" statement attached.

Less month extension previously paid on -\$()

TOTAL FEE ENCLOSED \$ 540.00

☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**.

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LCM:iff

NIXON & VANDERHYE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: _____

12/23/2008 SDENB0B3 00000051 09763955

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540.00 0P